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State of Michigan
Judicial Tenure Commission

February 1, 2011

Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
925 W. Ottawa
Lansing, Michigan 48933

Re: ADM File No. 2005-11
Proposed Amendments of Canon 4 and Canon 5 of the Michigan Code of
Judicial Conduct

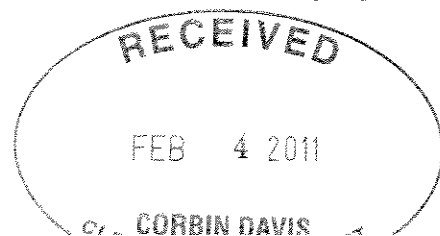
Dear Mr. Davis,

The Judicial Tenure Commission has considered the proposed amendments to Canon 4 and Canon 5 of the Michigan Code of Judicial Conduct. The Commission supports the proposed changes for Canon 4.

Regarding Canon 5, although the Commission generally supports the proposed amendment, it specifically objects to the language that would allow a judge to "permit his or her title to be used in connection with an event of such organization." A judge should be allowed to participate in these activities as an individual, but the judge's office or station should not. This approach is in conformity with Canon 2C, which states that "[a] judge should not use the prestige of office to advance personal business interests or those of others." The business interests of educational, religious, charitable, fraternal, or civic organizations will clearly be advanced by solicitations on their behalf. Allowing a judge as a person to raise funds on behalf of such organizations may be permissible, but it is unseemly and unethical to allow him/her to use the prestige of his/her office to do so.

While on the topic of charitable solicitations, the Commission feels that it is worthwhile amending Canon 5 to clarify that judges may solicit fellow judges individually. One factor behind the prohibition on judges soliciting individually on behalf of charities is that people may feel undue pressure to donate, for fear of offending the judge before they may have to appear in the future. That problem does not exist in a judge-to-judge solicitation. However, a version of that issue may be present if a judge of a higher court tries to solicit donations from a judge of a

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lower court, or from a court employee (such as a referee or magistrate). If the Canon is amended to allow for judge-to-judge individual solicitations, it should make clear that such solicitations are only allowed for judges of like kind or higher.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Fischer", with a long horizontal flourish extending to the right.

Paul J. Fischer
Executive Director and
General Counsel

PJF:cat

cc: To All Commission Members

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